

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE:	§	
TROPHY PLEX PROPERTIES, LTD.,	§	CASE NO. 10-70688-M-11
Debtor	§	(CHAPTER 11)

**FIRST NATIONAL BANK'S MOTION
TO WITHDRAW ITS PROOF OF CLAIM (CLAIM NO. 5)**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES FIRST NATIONAL BANK ("FNB"), an unsecured claimant herein, and files this, its Motion to Withdraw Its Proof of Claim (Claim No. 5) (the "Motion"), and would show the Court as follows:

1. FNB filed a proof of claim in this case on January 31, 2011. The claim was in the total amount of \$1,021,683.21 and unsecured. The Clerk's office noted it as Claim No. 5 filed in this case.
2. Debtor objected to FNB's claim on February 1, 2011 (Docket Entry #57).
3. A hearing was held on the claim objection on March 16, 2011, pursuant to an order (Docket Entry #58). At the hearing, counsel for FNB and Debtor announced that an adversary

proceeding pending in Case No. 10-07030 involved the same issues as the claim objection, and the parties requested the Court to abate the claim objection hearing pending the outcome of the adversary proceeding. No order or judgment has been rendered on the claim objection or in the adversary proceeding as of the date this Motion is filed.

4. FNB has determined that it does not want to proceed with its claim in the main case. Therefore, pursuant to Bankruptcy Rule 3006, FNB requests that the Court permit it to withdraw its claim. The corresponding claims in the adversary proceeding have also been withdrawn.
5. The undersigned spoke with the attorney for the debtor in the main case on April 26, 2011, and he did not object to the relief requested in this Motion.

WHEREFORE, PREMISES CONSIDERED, FNB prays that the Court grant its Motion to Withdraw Its Proof of Claim (Claim No. 5), and for such other and further relief to which FNB may show itself entitled.

Respectfully submitted,

/S/ MARK A. TWENHAFEL

Mark A. Twenhafel
State Bar No. 20350600
S.D. Tex. Bar No. 2268
P. O. Drawer 3766
McAllen, Texas 78502-3766
Telephone: (956) 687-6225 ext. 203
Fax: (956) 686-1276
E-mail: markt@rgvlawyers.com
Attorneys for First National Bank

OF COUNSEL:
WALKER & TWENHAFEL, L.L.P.

CERTIFICATE OF SERVICE

I, MARK A. TWENHAFEL, hereby certify that I am, and at all times hereinafter mentioned, was more than eighteen (18) years of age, that on the 26th day of April, 2011, a true and correct copy of the foregoing FIRST NATIONAL BANK'S MOTION TO WITHDRAW ITS PROOF OF CLAIM (CLAIM NO. 5) has been served electronically pursuant to Bankruptcy Local Rule 5005 and the Administrative Procedures for Electronic Filing or, to those not served electronically, by first class mail, postage prepaid, to the following parties:

Debtor

Trophy Plex Properties, Ltd.
4717 N. 4th Street
McAllen, TX 78504

Debtor's Counsel

Martin Sheldon Frankel
Attorney at Law
1907 Sebastian Street
Mission, TX 78572

U.S. Trustee

Barbara C. Jue, Trial Attorney
Office of the U.S. Trustee
606 N. Carancahua, Ste. 1107
Corpus Christi, TX 78401

Parties Requesting Notice

Diane Wade Sanders
Linebarger, Goggan, Blair & Sampson, LLP
P. O. Box 17428
Austin, TX 78760-7428

Scott A. Walsh
Kittleman, Thomas & Gonzales, LLP
P. O. Box 1416
McAllen, TX 78502-1416

/S/ MARK A. TWENHAFEL

Mark A. Twenhafel